

AO 85 (Rev. 12/96) Consent to Exercise of Jurisdiction

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

Plaintiff

2004 JAN 26 P 1:29

**CONSENT TO EXERCISE OF JURISDICTION  
BY A UNITED STATES MAGISTRATE JUDGE  
AND ORDER OF REFERENCE**

v.

Case Number: 03-12509-PBS

Defendant

**NOTICE OF AVAILABILITY OF A MAGISTRATE JUDGE TO EXERCISE  
OF JURISDICTION AND APPEAL**

In accordance with the provisions of Title 28, U.S.C. 636(c), and Fed.R.Civ.P.73, you are hereby notified that a United States magistrate judge of this district court is available to exercise the court's jurisdiction and to conduct any or all proceedings in this case including a jury or a nonjury trial, and entry of a final judgment. Exercise of this jurisdiction by a magistrate judge is, however, permitted only if all parties voluntarily consent.

You may, without adverse substantive consequences, withhold your consent, but this will prevent the court's jurisdiction from being exercised by a magistrate judge. If any party withdraws consent, the identity of the parties consenting or withholding consent will not be communicated to any magistrate judge or to the district judge to whom the case has been assigned.

An appeal from a judgment entered by a magistrate judge shall be taken directly to the United States court of appeals for this judicial circuit in the same manner as an appeal from any other judgment of a district court.

**CONSENT TO EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE**

In accordance with the provisions of 28 U.S.C. 636(c) and Fed.R.Civ.P. 73, the parties in this case hereby voluntarily consent to have a United States Magistrate Judge conduct any and all further proceedings in the case, including the trial, and order the entry of a final judgment.

<u>Signatures</u>	<u>Party Represented</u>	<u>Date</u>
<u>Jayell S. DeBennard</u>	<u>BONEN INVESTMENT, INC.</u>	<u>1/16/04</u>
<u>Tom V. Spina</u>	<u>Guy Bissonnette</u>	<u>1/16/04</u>
	<u>Gary Greaves</u>	
	<u>Roger A. Spina</u>	

Any appeal shall be taken to the United States Court of Appeals for this circuit, in accordance with 28 U.S.C. 636(c) and Fed.R.Civ.P. 73(c).

**ORDER OF REFERENCE**

[consentgtr.]

IT IS HEREBY ORDERED that this case be referred to \_\_\_\_\_, United States Magistrate Judge, for all further proceedings and the entry of judgment in accordance with 28 U.S.C. 636(c), Fed.R.Civ.P. 73 and the foregoing consent of the parties.

\_\_\_\_\_  
Date\_\_\_\_\_  
United States District Judge

NOTE: RETURN THIS FORM TO THE CLERK OF THE COURT ONLY IF ALL PARTIES HAVE CONSENTED ON THIS FORM TO THE EXERCISE OF JURISDICTION BY A UNITED STATES MAGISTRATE JUDGE.

## COOPER, THOMPSON &amp; ROGERS

Attorneys At Law

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January 21, 2004

United States Courthouse  
 Attn: Civil Division  
 1 Courthouse Way – Suite 2300  
 Boston, MA 02210

Re: Bowen Investments v. S.G.B., Ltd. C.A. No. 03-12509-PBS

Dear Sir or Madam:

Enclosed please find the executed consent form allowing this matter to be heard by a United States magistrate judge.

Very truly yours,



James V. Paolino, Esq.

JVP/jp

cc: Janell E. DeGennaro